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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,415	09/04/2001	Hiroshi Shimada	048369-0127	1215
22428	7590	08/26/2004	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				MITCHELL, JASON D
ART UNIT		PAPER NUMBER		
		2124		

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/944,415	SHIMADA, HIROSHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jason Mitchell	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 04 September 2001.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This application claims priority to a foreign application JP 2000-269253 filed on 09/05/2000. A certified English translation must be provided before this priority can be considered perfected, therefore, priority for this application is considered to be the filing date of 9/4/01.
2. Claims 1-8 are pending in the application.

#### ***Claim Rejections - 35 USC § 112***

3. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. The terms, joint development working group, key personnel, and control data have not been defined in the application. If applicant intends them to be used to further limit the parent claim, their structure must be particularly pointed out and distinctly claimed. Additionally it is unclear what is meant by 'either one of items of a system' For the purposes of this action examiner will exercise best judgment in an attempt to evaluate the claim on its merits; but appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,601,232 B1 to Burda et al. (Burba)

**Regarding Claim 1:** Burda teaches a software quality control system comprising: a control terminal (See Fig 1, GUI 14) for performing an input of quality data (See col. 3, lines 46-49) and a selection of data processing function (See col. 2, lines 16-17). Further, Burda teaches said system including an information terminal (See Fig1, GUI 14) having a communication means (See fig. 1, DATA NETWORK 12) and performing an input of quality data (See col. 3, lines 46-49) and a selection of data processing function (See col. 2, lines 16-17). Additionally Burda teaches an information processor (See fig. 1, CPU 18) for processing data input from said control and information terminals, and a storage apparatus (See fig. 1, DB 20) for storing data input from said information terminal. Burda also teaches a data communication network (See fig. 1, DATA NETWORK 12) that connects said information terminal and said information processor. Burda teaches that the information processor performs saving of quality data, and retrieving or analysis of data stored in said storage apparatus (See col. 6, 22-24), based on conditions input (col. 5, line 64 – col. 6 line 17) at said information terminal (See col. 6, lines 52-58).

**Regarding Claim 2:** The rejection of claim 1 is incorporated; further Burda teaches a system wherein quality data input from said control and information terminals is data indicating software quality (See col. 6, lines 10-11 'test execution and documentation').

**Regarding Claim 3:** As mentioned in the 112 rejection of this claim, it is not clear what is being claimed here, so using the broadest reasonable interpretation, the claim is being treated as reading on generic data related to employees, test environment and test results.

The rejection of claim 1 is incorporated; further, based on the assumptions mentioned above, Burba teaches a system wherein said quality data input from said control and information terminals is classified in said information processor into one of: a system (col. 3, lines 9-14 'environment'), a joint development working group, (See col. 2, lines 43-44 'a list of names to which to transmit the procedure') key personnel (again 'a list of names'), or control data (col. 3, lines 9-14 'information related to an item ... being tested').

**Regarding Claim 4:** The rejection of claim 1 is incorporated; further Burda includes data with regard to a scheduled test or with regard to test results (See col. 1, lines 9-14 and col. 7, line 48).

**Regarding Claim 5:** The rejection of claim 1 is incorporated; further Burda teaches a system wherein said information processor stores a processing program, (col. 3, lines 26-39) in accordance with a type of analysis for quality data and which, in response to said type of analysis and analysis conditions input from said information terminal,

performs analysis of quality data (See col. 11, lines 63-66 'reviewed by SQA') stored in said storage apparatus and outputs the results of said analysis ('for future review').

**Regarding Claim 6:** The rejection of claim 1 is incorporated; further Burda teaches a system wherein said control and information terminals comprise Web browsers, (See col. 5, line 43) which are used to perform to input data and to display data (See col. 3, lines 30-35) supplied from said information processor.

**Regarding Claim 7:** The rejection of claim 1 is incorporated; further Burda teaches a system wherein said data communication network is The Internet (See col. 1, line 66).

**Regarding Claim 8:** Burda teaches a method for controlling the quality of software comprising the steps of: inputting quality data, (col. 11, lines 53-54) classifying said quality data into pre-established data types, (col. 11, lines 60-63; Fig 37) and storing said data in a storage means; (col. 5, line 57) retrieving data, (col. 12, lines 4-8) and analyzing data (col. 12, lines 4-12)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Mitchell whose telephone number is (703) 305-0064. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason Mitchell  
July 7, 2004



JOHN CHAVIS  
PATENT EXAMINER  
ART UNIT 2124